

Amendment in Reply to Final Office Action mailed on September 27, 2007

REMARKS

This Amendment is being filed in response to the Final Office Action dated September 27, 2007, which has been reviewed and carefully considered.

The Applicant would like to thank the Examiner for the courtesies extended during a telephonic conference call between Examiner Saltarelli and Gregory Thorne, Attorney for the Applicant, held on September 17, 2007 and memorialized by the Examiner on an Interview Summary provided together with the Office Action.

In the Office Action, the Examiner indicates that Claims 2, 4, 21-22 and 24-28 are allowed. The Applicant thanks the Examiner for the indication of the allowance of claims 2, 4, 21-22 and 24-28.

Claims 1, 11, 23, 29 and 31 are amended herein. It is respectfully submitted that these amendments to the claims present no new issues requiring further search as the subject matter presented by the amended claims is provided in previously presented claims. Further, the subject matter of the amendments to the claims in fact are indicated as allowable subject matter (see, Office Action, pages 9 and 20). No new search is necessitated by these amendments which place the claims in better condition for

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allowance and/or consolidate and reduce issues that may be pending thereafter for appeal. Accordingly, consideration and entrance of the amendments is respectfully requested. The Applicant respectfully reserves the right to reintroduce subject matter canceled herein in this and/or continuing applications.

Claim 1 is amended to put it back into a form as prior to the amendment submitted on August 2, 2007 as are claims 11 and 23. Additionally, claim 1 is amended to include a same recitation as claim 26, namely, (emphasis added) "wherein the at least one axis of the multiplicity of axes are provided within a same view as the television viewer profile and represents at least one activity not involved in viewing or listening to television" as indicated allowable in relation to claim 26 (see, Office Action, page 10, lines 8-12). Accordingly, it is respectfully submitted that claim 1 is in an allowable form and consideration and allowance is respectfully requested. In addition, it is respectfully submitted that claims 3, 5, 6 and 20 depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly,

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separate consideration and allowance of each of claims 3, 5, 6 and 20 is respectfully requested.

Claims 11, 23, 29 and 31 are amended to include a same recitation as claim 21, namely substantially, "wherein the at least one of the multiplicity of axes is at least two of the multiplicity of axes" as indicated allowable in relation to claim 21 (see, Office Action, page 10, lines 1-7). Accordingly, it is respectfully submitted that claims 11, 23, 29 and 31 are in an allowable form and consideration and allowance is respectfully requested. In addition, it is respectfully submitted that claims 30 and 32-33 respectively depend from one of claims 29 and 31 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration and allowance of each of claims 30 and 32-33 is respectfully requested.

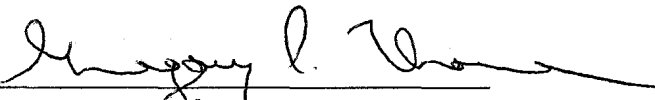
In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to

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submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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